

# PREPROPOSAL STATEMENT OF INQUIRY



## CR-101 (October 2017) (Implements RCW 34.05.310) Do NOT use for expedited rule making

**Agency:** State Board of Health

**Subject of possible rule making:** Chapter 246-290 WAC, Group A public water supplies (water systems). The State Board of Health (board) is considering setting a standard for poly- and perfluoroalkyl substances (PFAS).

**Statutes authorizing the agency to adopt rules on this subject:** RCWs 43.20.050 (2), 70.142.010, and 70.119A.080 (1)

**Reasons why rules on this subject may be needed and what they might accomplish:** In response to a petition for rule making, the board will consider revisions to the chapter to set a standard for PFAS. The revisions may include requirements for monitoring, recordkeeping and reporting, follow-up actions, and other associated requirements for PFAS and other unregulated contaminants with established state advisory levels. The rule revision may also include technical and editorial changes as needed. The revisions are intended to improve public health protection by setting a regulatory standard for PFAS chemicals in Washington for Group A public water systems.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** EPA established requirements for water systems under the third unregulated contaminant monitoring rule and set a health advisory level of 70 parts per trillion to provide information to states so they can take appropriate actions to protect public health. The board will rely on the EPA analytical method for detecting PFAS in drinking water and the board will consider other information from the EPA. The Department of Ecology is in the process of developing a Chemical Action Plan for PFAS and Department of Health (department) staff will participate in this process which will inform the board's rule making efforts.

**Process for developing new rule (check all that apply):**

- Negotiated rule making  
 Pilot rule making  
 Agency study  
 Other (describe)

The board and department will use a collaborative rule making approach. The department will keep stakeholders and interested parties informed of the rule development through email, and posting information on the department's rule making websites. Stakeholders and interested parties will have the opportunity to provide comments throughout the rule making process, during the formal comment period, and at the public hearing. The department may also hold workshops throughout the rule making process to solicit feedback.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

	(If necessary)
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Other:	Other:

Additional comments:

<b>Date:</b>	<b>Signature:</b> Place signature here
<b>Name:</b> Michelle A. Davis	
<b>Title:</b> Executive Director	